

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.  
DANNY W. MICHAEL, III,

18-CR-120-LJV  
DECISION & ORDER

Defendant.

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1. On July 22, 2020, the defendant, Danny W. Michael, III, pleaded guilty to Counts 1 and 2 of the superseding information charging violations of Title 21, United States Code, Section 846 (conspiracy to possess with intent to distribute at least 5 grams of methamphetamine and conspiracy to distribute that substance) (Count 1), and Title 18, United States Code, Section 922(g)(1) (possession of a firearm and ammunition by a felon) (Count 2). Docket Item 576.

2. On July 22, 2020, the Honorable Michael J. Roemer, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's pleas of guilty be accepted and that the defendant be adjudged guilty. Docket Item 592.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Roemer's Report & Recommendation (docket item 592), the plea agreement (docket item 576), the superseding information (docket item 575), a transcript of the plea proceeding held via Zoom for government (docket item 657), and the applicable law. This Court finds no

legal or factual error in Judge Roemer's Report & Recommendation and therefore adopts Judge Roemer's recommendation that the defendant's pleas of guilty be accepted and that the defendant be adjudged guilty of Counts 1 and 2 of the superseding information.

IT IS HEREBY ORDERED that this Court adopts Judge Roemer's July 22, 2020 Report & Recommendation, Docket Item 592, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's pleas of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Danny W. Michael, III, is now adjudged guilty under Title 21, United States Code, Section 846, and Title 18, United States Code, Section 922(g)(1).

SO ORDERED.

Dated: November 6, 2020  
Buffalo, New York

**s/ Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE